

AMENDMENT TO DEFENSE APPROPRIATIONS BILL
OFFERED BY MR. RUPPERSBERGER OF
MARYLAND

In the Bill:

At the end of the bill (before the short title), insert the following:

1 **TITLE X—TO DIRECT THE RE-**
2 **MOVAL OF UNITED STATES**
3 **ARMED FORCES FROM HOS-**
4 **TILITIES IN THE REPUBLIC**
5 **OF YEMEN THAT HAVE NOT**
6 **BEEN AUTHORIZED BY CON-**
7 **GRESS**

8 **SEC. 10001. FINDINGS.**

9 Congress makes the following findings:

10 (1) Congress has the sole power to declare war
11 under article I, section 8, clause 11 of the United
12 States Constitution.

13 (2) Congress has not declared war with respect
14 to, or provided a specific statutory authorization for,
15 the conflict between military forces led by Saudi
16 Arabia, including forces from the United Arab Emir-
17 ates, Bahrain, Kuwait, Egypt, Jordan, Morocco,

1 Senegal, and Sudan (the Saudi-led coalition),
2 against the Houthis, also known as Ansar Allah, in
3 the Republic of Yemen.

4 (3) Since March 2015, members of the United
5 States Armed Forces have been introduced into hos-
6 tilities between the Saudi-led coalition and the
7 Houthis, including providing to the Saudi-led coali-
8 tion aerial targeting assistance, intelligence sharing,
9 and mid-flight aerial refueling.

10 (4) The United States has established a Joint
11 Combined Planning Cell with Saudi Arabia, in which
12 members of the United States Armed Forces assist
13 in aerial targeting and help to coordinate military
14 and intelligence activities.

15 (5) In December 2017, Secretary of Defense
16 James N. Mattis stated, “We have gone in to be
17 very—to be helpful where we can in identifying how
18 you do target analysis and how you make certain
19 you hit the right thing.”.

20 (6) The conflict between the Saudi-led coalition
21 and the Houthis constitutes, within the meaning of
22 section 4(a) of the War Powers Resolution (50
23 U.S.C. 1543(a)), either hostilities or a situation
24 where imminent involvement in hostilities is clearly

1 indicated by the circumstances into which United
2 States Armed Forces have been introduced.

3 (7) Section 5(c) of the War Powers Resolution
4 (50 U.S.C. 1544(c)) states that “at any time that
5 United States Armed Forces are engaged in hos-
6 tilities outside the territory of the United States, its
7 possessions and territories without a declaration of
8 war or specific statutory authorization, such forces
9 shall be removed by the President if the Congress so
10 directs”.

11 (8) Section 8(c) of the War Powers Resolution
12 (50 U.S.C. 1547(c)) defines the introduction of
13 United States Armed Forces to include “the assign-
14 ment of members of such armed forces to command,
15 coordinate, participate in the movement of, or ac-
16 company the regular or irregular military forces of
17 any foreign country or government when such mili-
18 tary forces are engaged, or there exists an imminent
19 threat that such forces will become engaged, in hos-
20 tilities,” and activities that the United States is con-
21 ducting in support of the Saudi-led coalition, includ-
22 ing aerial refueling and targeting assistance, fall
23 within this definition.

24 (9) Section 1013 of the Department of State
25 Authorization Act, Fiscal Years 1984 and 1985 (50

1 U.S.C. 1546a) provides that any joint resolution or
2 bill to require the removal of United States Armed
3 Forces engaged in hostilities without a declaration of
4 war or specific statutory authorization shall be con-
5 sidered in accordance with the expedited procedures
6 of section 601(b) of the International Security and
7 Arms Export Control Act of 1976 (Public Law 94-
8 329; 90 Stat. 765).

9 (10) No specific statutory authorization for the
10 use of United States Armed Forces with respect to
11 the conflict between the Saudi-led coalition and the
12 Houthis in Yemen has been enacted, and no provi-
13 sion of law explicitly authorizes the provision of tar-
14 geting assistance or of midair refueling services to
15 warplanes of Saudi Arabia or the United Arab Emir-
16 ates that are engaged in such conflict.

17 **SEC. 10002. REMOVAL OF UNITED STATES ARMED FORCES**
18 **FROM HOSTILITIES IN THE REPUBLIC OF**
19 **YEMEN THAT HAVE NOT BEEN AUTHORIZED**
20 **BY CONGRESS.**

21 Pursuant to section 1013 of the Department of State
22 Authorization Act, Fiscal Years 1984 and 1985 (50
23 U.S.C. 1546a) and in accordance with the provisions of
24 section 601(b) of the International Security Assistance
25 and Arms Export Control Act of 1976 (Public Law 94-

1 329; 90 Stat. 765), Congress hereby directs the President
2 to remove United States Armed Forces from hostilities in
3 or affecting the Republic of Yemen, except United States
4 Armed Forces engaged in operations directed at al Qaeda
5 or associated forces, by not later than the date that is
6 30 days after the date of the enactment of this Act (unless
7 the President requests and Congress authorizes a later
8 date), and unless and until a declaration of war or specific
9 authorization for such use of United States Armed Forces
10 has been enacted. For purposes of this title, in this sec-
11 tion, the term “hostilities” includes in-flight refueling of
12 non-United States aircraft conducting missions as part of
13 the ongoing civil war in Yemen.

14 **SEC. 10003. RULE OF CONSTRUCTION REGARDING CONTIN-**
15 **UED MILITARY OPERATIONS AND COOPERA-**
16 **TION WITH ISRAEL.**

17 Nothing in this title shall be construed to influence
18 or disrupt any military operations and cooperation with
19 Israel.

20 **SEC. 10004. RULE OF CONSTRUCTION REGARDING INTEL-**
21 **LIGENCE SHARING.**

22 Nothing in this title may be construed to influence
23 or disrupt any intelligence, counterintelligence, or inves-
24 tigative activities relating to threats in or emanating from

1 Yemen conducted by, or in conjunction with, the United
2 States Government involving—

3 (1) the collection of intelligence;

4 (2) the analysis of intelligence; or

5 (3) the sharing of intelligence between the
6 United States and any coalition partner if the Presi-
7 dent determines such sharing is appropriate and in
8 the national security interests of the United States.

9 **SEC. 10005. REPORT ON RISKS POSED BY CEASING SAUDI**
10 **ARABIA SUPPORT OPERATIONS.**

11 Not later than 90 days after the date of the enact-
12 ment of this Act, the President shall submit to Congress
13 a report assessing the risks posed to United States citizens
14 and the civilian population of Saudi Arabia and the risk
15 of regional humanitarian crises if the United States were
16 to cease support operations with respect to the conflict be-
17 tween the Saudi-led coalition and the Houthis in Yemen.

18 **SEC. 10006. REPORT ON INCREASED RISK OF TERRORIST**
19 **ATTACKS TO UNITED STATES ARMED FORCES**
20 **ABROAD, ALLIES, AND THE CONTINENTAL**
21 **UNITED STATES IF SAUDI ARABIA CEASES**
22 **YEMEN-RELATED INTELLIGENCE SHARING**
23 **WITH THE UNITED STATES.**

24 Not later than 90 days after the date of the enact-
25 ment of this Act, the President shall submit to Congress

1 a report assessing the increased risk of terrorist attacks
2 on United States Armed Forces abroad, allies, and to the
3 continental United States if the Government of Saudi Ara-
4 bia were to cease Yemen-related intelligence sharing with
5 the United States.

6 **SEC. 10007. RULE OF CONSTRUCTION REGARDING NO AU-**
7 **THORIZATION FOR USE OF MILITARY FORCE.**

8 Consistent with section 8(a)(1) of the War Powers
9 Resolution (50 U.S.C. 1547(a)(1)), nothing in this title
10 may be construed as authorizing the use of military force.

